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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,315	05/24/2001	Eric Saurel	Q64632	1360

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EXAMINER

LAMB, BRENDA A

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 04/22/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

Applicant(s)

Examiner

Group Art Unit

09/863,315

Saurul et al

LAMB

1734

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

P r i d f r Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on 11/9/03
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-23 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-8, 11, 14, 15, and 18-21 is/are rejected.
- ☒ Claim(s) 9, 10, 12, 13, 16, 17 and 22-23 is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Applicati n Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Pri rity under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-3, 5, 6, 8, 11, 14, 15 and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kar et al 4,531,959.

Kar et al teaches the design on optical fiber coating apparatus as shown in Fig. 6. Kar et al teaches his apparatus is comprised of an integral die support or receiver or downstream part and grid for applying coating to the fiber. Kar et al shows the die support or receiver or downstream part for receiving the exit die and the exit die and grid together define a passageway for the optical fiber. Kar et al teaches the die support and grid are integral to facilitate precise alignment of the longitudinal axis of the grid and the exit die. Kar et al fails to teach the integral grid and die support includes a

die support for the entry die or upstream part. However, it would have been obvious to modify the Kar et al apparatus by extending sleeve 63 in a direction upstream of the grid or provide an upstream part to receive the entry die to facilitate alignment of the longitudinal axis of the guide die or entry die with the aligned longitudinal axis of the grid and exit die for obvious reason to expect similar benefits taught by Kar et al for making integral the grid and the die support/downstream part/receiver for the exit die —facilitate maintenance by eliminating time spent for aligning the dies, both exit and entry, the grid.

This claim 1 is obvious over Kar et al. With respect to claim 11, the same rejection applied to claim 1 is applied here. Kar et al shows a support/housing for the device for applying coating onto the optical fiber comprising a means for feeding coating around the grid. With claim 14, the same rejection applied to claim 1 is applied here. The recitation that the grid has through-holds that open into a common annular space surrounding the grid does not further limit applicant's invention over Kar et al since Kar et al shows in his figure that there is a space surrounding the grid into which coating is fed. With respect to claim 3, Kar et al show in Fig. 6 that the radial face of the exit die is pressed against the radial wall of the die support. Therefore, it would have been obvious given the modification of the Kar et al apparatus as discussed above with an upstream part and entry die to fit the entry die into the die support in a manner similar to that exit or sizing die in the downstream part for the following obvious reasons - to expect similar end results to that of the exit die which is press-fit into downstream part and also for advantages of simplification in design. With respect to claims 2, 5, 8, 15 and 18, Kar et al ~~shows that coating~~ *shows that coating in Figure 2,* infer that if cavity or chamber is not formed in the housing, then the

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the housing or alternatively, if not formed in the housing, in Figure 5 shows the ends of the sleeve or grid are provided with flanges to coact with walls of housing to form a flow chamber/ annular chamber 53 through which coating is fed. Therefore, if one desires to use one of Kar et al coating applicators which do not have a flow chamber or annular chamber which is formed within the housing, it would have been obvious given the modifications of the Kar et al sleeve with an upstream and downstream part to enlarge the upstream and downstream part for respectively the entry and exit die such that the upstream and downstream part has an outer diameter larger than outer diameter of the grid to enable one to form an annular flow chamber between the upstream and downstream part thus enabling one to insert the die support in die housing which does not have annual flow chamber formed in the housing for the taught advantages of an integral die support and grid—facilitate alignment of precise alignment of the longitudinal axes of the entry and exit die with the grid. With respect to claim 6, Kar et al shows in Fig. 6 the radial face of the exit die bears against the second radial wall of the die support. With respect to claims 19-21, it would have been obvious given the modification of the Kar et al apparatus with the integral grid and die support as discussed above that the upstream and downstream part and the grid are arranged within housing forms the relationships set forth in the claims since Kar et al discloses that grid must be spaced from wall of housing to form an annular space into which coating is provided through the holes of the grid and onto the optical fiber.

Claims 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kar et al 4,531,959 in view of Guillemette et al.

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Kar et al is applied for the reasons noted above. Kar et al fails to teach a hollow part screwed into the die support to press the entry and exit die against the respective radial wall die support. However, it would have been obvious to modify the Kar et al coating apparatus by providing a hollow part such as shown in Fig. 1 of Guillemette et al (un-numbered element on far left side of Fig. 1 of Guillemette et al) to press a die in a coating apparatus into contact with a wall of the die support for the obvious advantage facilitating maintenance on the coating apparatus.

Applicant's arguments filed January 9, 2003 have been fully considered but they are not persuasive.


Applicant's argument of the non-obviousness of making the Kar et al die support and grid integral is found to be non-persuasive. Although the Examiner agrees with applicant's argument of the non-obviousness of making the Kar et al die support and grid as shown in Figure 2 integral, Figure 6 of Kar et al clearly shows making a die support and grid integral. Kar et al fails to teach the integral die support and grid includes a die support for the entry die or upstream part. However, it would have been obvious to modify the Kar et al apparatus by extending sleeve 63 in a direction upstream of the grid or provide an upstream part to receive the entry die to facilitate alignment of the longitudinal axis of the guide die or entry die with the aligned longitudinal axis of the grid and exit die for obvious reason to expect similar benefits taught by Kar et al for making integral the grid and die support/downstream part/receiver for the exit die integral—facilitate maintenance by eliminating time spent for aligning the dies, both exit and entry, with the grid.

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Claims 9, 10, 12, 13, 16, 17 and 22-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication should be directed to Brenda A. Lamb at telephone number (703) 308-2056. The examiner can normally be reached on Monday and Wednesday through Friday with alternate Tuesdays off.

B.A. Lamb/dh
April 1, 2003


BRENDA A. LAMB
PRIMARY EXAMINER
~~GROUP 1300~~